

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-318-E - ORDER NO. 2008-803
DECEMBER 9, 2008

IN RE: Israel Gonzalez,)	ORDER HOLDING
Complainant/Petitioner)	MOTION TO DISMISS IN
)	ABEYANCE AND
vs.)	ORDERING
)	COMPLAINANT TO
South Carolina Electric & Gas Co.,)	RESPOND IN TEN DAYS
Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of South Carolina Electric & Gas Co. (“SCE&G” or “Company”) to dismiss the Complaint filed against SCE&G by Israel Gonzalez.

Israel Gonzalez commenced this docket by filing a complaint letter on or about August 20, 2008, seeking relief from prospective discontinuance of electric service due to arrearages in payment. On or about September 29, 2008, SCE&G filed its Answer and moved to dismiss the complaint. SCE&G alleged that the Gonzalez account was delinquent and that the delinquency satisfied the regulatory criteria for disconnection of service. The Company recited the accountholder’s history and delinquency in detail, but did not submit any affidavit or sworn verification supporting its filing.

We issued a Directive on October 22, 2008, instructing SCE&G to provide a sworn verification of all information it wishes to be considered in support of its motion to dismiss. Commission Regulation 103-822 provides, in part: “A verification under oath shall be required if facts are alleged to be true within the knowledge of the person filing

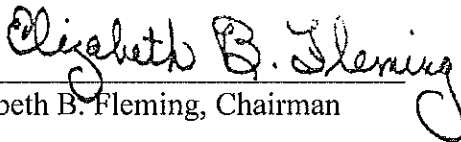
the pleading.” We further requested that the Office of Regulatory Staff (“ORS”) investigate whether the Complainant has exhausted all available options for continuation of service.

In response to our Directive, ORS filed a letter dated October 27, 2008, confirming that ORS had previously communicated to the Complainant the only conditions which would prevent disconnection of service and that there were no other options available. SCE&G has not yet filed an appropriate affidavit verifying the contents of its Answer.

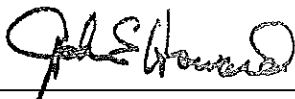
By this Order, this Commission holds in abeyance SCE&G’s Motion to Dismiss until the time of the hearing in this matter, unless SCE&G provides an affidavit verifying the information it provided in support of its Motion. Mr. Gonzalez is instructed to submit any response to SCE&G’s Motion to Dismiss within ten (10) days of receipt of this Order. If he fails to file a response, the Motion to Dismiss will be considered unopposed, which may result in this Commission granting the Motion.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman
(SEAL)